IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 13TH OCTOBER 2006 / 21ST ASWINA 1928

Bail Appl..No. 6104 of 2006

CMP.6703/2006 of J.M.F.C.-III,TRIVANDRUM
CRIME NO.432/2006 OF KAZHAKUTTAM POLICE STATION

.....

PETITIONER/ACCUSED 1 TO 3

---

1. LAKSHMI, D/O.MANOMANY,
   HOUSE NO.27, VILAYARCOVIL, RAM NAGAR,
   NEAR NAGERCOIL BUS STAND,
   KANYAKUMARI, AGE 22.

2. PRIYA @ SARASWATHY,
   HOUSE NO.27, VILAYARCOVIL, RAM NAGAR,
   NEAR NAGERCOIL BUS STATND, KANYAKUMARI, AGE 23.

3. GEETHA, D/O.MANOMANY,
   HOUSE NO.47, VILAYARCOVIL, RAM NAGAR,
   NEAR NAGERCOIL BUS STAND,
   KANYAKUMARI, AGE 25.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: STATE/COMPLAINANT

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6104/2006

DATED THIS THE 13TH DAY OF OCTOBER, 2006

O R D E R

I heard the arguments advanced by the learned counsel Mr.B.Krishna Mani, praying for bail to the accused 1 to 3, in crime No.432/2006 of Kazhakuttam Police Station, for the offence punishable under Section 379 IPC read with Section 34 IPC.

2. The learned Public Prosecutor opposes the granting of the bail, as the petitioners are not only from another State but also they have no permanent address in any of the States. They are residing at one place and move away from that place on the next morning. If bail is granted, they may not be available for facing the trial. The learned Public Prosecutor also concedes that the investigation is in progress and it will be completed at the earliest, as the occurrence took place on 21.9.2006.

3. In the above facts situation, I am not inclined to grant bail. However, I direct the Prosecution to complete

the investigation, within one month from today.

4. On receipt of the final report, the learned Magistrate shall immediately proceed with the trial and dispose of the case at the earliest, in any case within three months from the date of receipt of the final report.

5. The learned counsel for the petitioners submitted that there is a breast feeding infant and orders may be passed to safeguard the wellfare of the child, as well.

6. When the petitioners are produced before the Magistrate Court on the next posting date, the learned Magistrate shall ascertain from the petitioners about the state of the child, and pass such orders including allowing the child to be with the mother.

The application is dismissed as above.

J.M.JAMES
JUDGE

mrcs